

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION**

RED BEND LTD., and RED BEND SOFTWARE INC.,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 09-cv-11813-DPW

GOOGLE INC.,

Counterclaim-Plaintiff,

v.

RED BEND LTD. and RED BEND SOFTWARE INC.,

Counterclaim-Defendants.

**STIPULATED DISCOVERY AND PRE-TRIAL SCHEDULE**

The parties jointly submit this stipulation of the dates relating to discovery and pre-trial schedule in this case:

<b>Event</b>	<b>Date</b>
Last day for Red Bend to amend, if necessary, its Preliminary Infringement Disclosures, and for Google to amend, if necessary, its Non-infringement and Invalidity Disclosures	Within 30 days of the Court's ruling on claim construction
Close of Fact Discovery. This is the last day to serve responses to timely discovery requests. If the fact discovery period has expired before a ruling on claim construction, and upon motion or stipulation of the parties, the Court may grant additional time for discovery. Such additional discovery shall be limited to issues of infringement or invalidity dependent on the claim construction.	November 5, 2010
Rule 26 Disclosures regarding expert testimony for matters on	November 12, 2010

which that party bears the burden of proof at trial	
Rule 26 Disclosures regarding rebuttal experts	December 3, 2010
Expert Discovery Closes	December 17, 2010
Last Day to File Dispositive Motions (20 page limit for each brief in support of a dispositive motion)	January 7, 2011
Last Day to File Timely Oppositions to Dispositive Motions (20 page limit for each)	January 21, 2011
Parties to exchange Rule 26(a)(3) pre-trial disclosures	January 28, 2011
Last Day to File Timely Replies in Support of Dispositive Motions (15 page limit for each)	January 28, 2011
Exchange of objections to evidence identified in Rule 26(a)(3) pretrial disclosures	February 4, 2011
Last Day to Hear Dispositive Motions	February 9, 2011
Conference to prepare pre-trial memo	February 11, 2011
Last Day to Participate in Settlement Conference	February 18, 2011
Last day to file joint pre-trial memorandum	February 21, 2011
Pretrial Conference (subject to the Court's availability)	February 28, 2011
Last day to file trial briefs	March 7, 2011
Trial (subject to the Court's availability). The parties anticipate the trial of this action will last 5-7 court days.	March 14, 2011

Dated: August 20, 2010

Respectfully submitted,

By: /s/ Eliot D. Williams

Daniel Cloherty (BBO# 565772)  
Dwyer & Collora, LLP  
600 Atlantic Avenue - 12th Floor  
Boston, MA 02210-2211  
Telephone: (617) 371-1000  
Facsimile: (617) 371-1037

Robert C. Scheinfeld (RS-2632) (*pro hac vice*)  
Eliot D. Williams (EW-6560) (*pro hac vice*)  
Jennifer C. Tempesta (JT-4841) (*pro hac vice*)  
Baker Botts L.L.P.  
30 Rockefeller Plaza  
44th Floor  
New York, New York 10012-4498  
Telephone: (212) 408-2500  
Facsimile: (212) 408-2501

*Attorneys for Plaintiffs Red Bend Ltd. and  
Red Bend Software Inc.*

By: /s/ Elizabeth Austern

Jonathan M. Albano, Bar No. 013850  
jonathan.albano@bingham.com,  
David M. Magee, Bar No. 652399  
david.magee@bingham.com  
BINGHAM McCUTCHEN LLP  
One Federal Street  
Boston, MA 02110-1726  
Telephone: 617.951.8000

Susan Baker Manning (*pro hac vice*)  
susan.manning@bingham.com,  
Robert C. Bertin (*pro hac vice*)  
r.bertin@bingham.com  
Elizabeth Austern (*pro hac vice*)  
elizabeth.austern@bingham.com  
BINGHAM McCUTCHEN LLP  
2020 K Street, NW

Washington, D.C. 20006-1806  
Telephone: 202.373.6000

William F. Abrams (*pro hac vice*)  
william.abrams@bingham.com,  
BINGHAM McCUTCHEN LLP  
1900 University Avenue  
East Palo Alto, CA 94303-2223  
Telephone: 650.849.4400

*Attorneys for Defendant Google Inc.*

**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, by federal express, on August 20, 2010.

/s/ Elizabeth Austern \_\_\_\_\_  
Elizabeth Austern  
(*pro hac vice*)